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OFFICE OF PETITIONS

In re Application of :
Salgado, et al. :
Application No. 09/470,234 : DECISION ON PETITION
Filed: December 22, 1999 :
Attorney Docket No. D/99173 :
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 13, 2006.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a proper response to the final Office action mailed April 20, 2004. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on October 5, 2006.

On petition, applicant asserts that he timely filed an RCE, together with an Amendment, on June 2, 2004. In support thereof, applicant has included *prima facie* evidence of its timely filing by submitting a copy of an Auto Reply Facsimile Transmission Receipt. See MPEP 503.

In view thereof, **the holding of abandonment is withdrawn**.

The Notice of Abandonment is hereby **VACATED**.

Deposit Account No. 24-0025 has been charged the \$770 fee for the RCE that was in effect on June 2, 2004.

The matter is being forwarded to Group Art Unit 2625 for consideration of the Amendment, filed on June 2, 2004 (copy re-supplied with the instant petition).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions